

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )

Amendment of the Commission's Rules )  
to Establish a Radio Astronomy )  
Coordination Zone in Puerto Rico )

ET Docket No. 96-2

TO: The Commission

COMMENTS OF THE AMERICAN RADIO RELAY LEAGUE, INCORPORATED

The American Radio Relay League, Incorporated, (the League), the national association of amateur radio operators in the United States, by counsel and pursuant to Section 1.405 of the Commission's Rules (47 C.F.R. §1.405), hereby respectfully submits its comments in response to the *Notice of Proposed Rule Making* (the Notice), FCC 96-12, \_\_\_ FCC Rcd. \_\_\_, released February 8, 1996. The Notice, issued in response to a November 30, 1992 petition for rule making filed by Cornell University (Cornell), operator of the Arecibo, Puerto Rico Observatory, proposes the amendment of numerous rules governing various radio services administered by the Commission, to require that applicants for new communications facilities, and modifications of existing authorizations in Puerto Rico or the surrounding islands, provide prior written notification of technical parameters to the Arecibo Observatory. For its comments in response to the Notice in the interests of the Amateur Radio Service, the League states as follows:

1. The Notice proposes a considerably more narrow restriction on amateur stations in Puerto Rico than did the original Cornell petition. Cornell initially asked that the Observatory be permitted to determine, within 20 days of notification of the proposed installation of an amateur radio repeater or automatic beacon station (on frequencies allocated to the Amateur Radio Service), whether the repeater or beacon, at the location and operating parameters proposed, should be opposed. If an opposition is filed, the Commission would "review the objection" and take "appropriate action". There were no technical criteria proposed for such evaluation, nor was there stated any basis for the determination of "appropriate action". The proposal was vague, and the League was opposed to it. The Notice, however, proposes that the Observatory be notified of new or modified repeaters or beacons located or to be located within ten miles of the Observatory prior to new or modified beacon operation. The League is not concerned about the notification procedure *per se*; rather, it is concerned about the response of the Observatory to any such notifications and the standards which the Observatory intends to employ in order to determine whether to subject individual radio amateurs to an objection to a proposed repeater or beacon station. As a general matter, it is perplexing that the Commission, which regularly asserts in other contexts that its policy is to reduce regulations, is now creating a new restriction on the Amateur Service with absolutely no evidence of a need to do so.

2. The League, in response to the original Cornell petition, noted that the research at Arecibo, though important and deserving of reasonable accommodation, should not be permitted to disrupt mature telecommunications systems in a highly populated area, or deter or inhibit the modification of communications facilities with newer technologies. Nor, from the League's point of view, should a valuable emergency communications system in a hurricane-susceptible area be restricted, on the strength of no more than an inchoate, unquantified fear of possible future interference. The League urged that the Observatory instead work closely with the amateur community in Puerto Rico to do informal frequency coordination, rather than create regulations without the slightest justification therefor.

3. In the Notice, the Commission notes that Cornell's relationship with the amateur community in Puerto Rico is excellent:

Also, in its reply, Cornell agrees with (the League) that conflicts with amateur operations have always been amicably resolved through personal contact. In supplemental reply comments, Cornell states that it has come to an agreement with the Puerto Rico Amateur Radio League (PRARL). Cornell states that the PRARL will provide the Observatory access to its files on relay and beacon systems and that the Observatory is willing to rely on the goodwill of the PRARL for frequency coordination. Additionally, Cornell asks that we require that only new repeater and beacon stations within a distance of 10 miles of the Observatory be coordinated. Cornell indicates that the officials of the PRARL have agreed in principle to these modified proposals.

*Notice, at paragraph 32.*

If, indeed, Cornell is willing to work informally with the amateur community, as it says it is, and if there is no evidence of interference problems or a basis for predicted future interference from amateurs, then there is no need for formal regulation.

4. The Notice, and the Cornell petition, are both silent as to the degree of protection which should be accorded, or which Cornell would believe is necessary, for the Arecibo Observatory from amateur repeater or beacon stations within ten miles from the Observatory. There has not been made any case for the restriction proposed, in that amateur repeaters and beacons have not been shown to be potential interference sources. Civil Air Patrol repeaters are not proposed to be regulated, and they are indistinguishable from amateur repeaters in many cases, save for the frequency used. Temporary broadcast auxiliary operations are required to notify the Observatory if within 4 miles of the Observatory. What are the technical criteria that led the Commission to propose a 4-mile coordination zone for that service, and the 10-mile coordination zone for amateur operations? On what technical basis was it concluded that Civil Air Patrol facilities had no interference potential for the Observatory, but that amateur repeaters and beacons, *regardless of frequency*,<sup>1</sup> did? That information certainly

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<sup>1</sup> The Notice states that there is no proposal to require notification by radio facilities that use frequencies above 15 GHz, because "at present, the Observatory does not use such frequencies". The Observatory is not entitled to use any amateur frequencies, either. On the basis of the Commission's proposal, amateur radio should have no regulatory restrictions, other than that already contained in the amateur rules, to protect the Observatory from spurious emissions outside amateur bands.

is not in the record. The proposal in the Notice is apparently as arbitrary as was the Cornell petition.

5. The Commission states that "(f)inally, we propose to require that amateur licensees proposing to operate new beacon and repeater stations within 10 miles of the Observatory to notify the Observatory, as the PRARL and the Observatory have tentatively agreed. The record indicates a history of cooperation between amateur operators and the Observatory, and we believe they will continue to coordinate successfully". *Notice, at paragraph 36.* Apparently, neither the Commission nor Cornell believe that, because reliance on informal coordination, and mandatory notification by regulation, are mutually exclusive concepts.<sup>2</sup> It further appears from the record thus far that there is no concurrence on the part of Puerto Rico amateurs to the proposed regulation. The League supports absolutely and without reservation the Puerto Rico Amateur Radio League (PRARL), which is a League Special Service Club. The League commends to the Commission's special attention the well-prepared comments of the PRARL, dated March 12, 1996, which state, in part, as follows:

Amateur repeaters operate at low power and are no different from the Civil Air Patrol repeaters which are exempt from this proposal. There is no mention of the Military (Affiliate) Radio System (MARS) that could also cause the same type of problems to the Observatory. None

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<sup>2</sup> It should be noted that the Puerto Rico/Virgin Islands Volunteer Frequency Coordinators, Inc. has pledged its assistance to the Observatory in tracking any signals in the Amateur Service which cause interference. It urges that no regulations be imposed on amateur repeater and beacon operations in Puerto Rico. See, *the Comments of the P.R./V.I. Volunteer Frequency Coordinators, Inc., dated March 20, 1996.*

of these services require filings with the FCC. Amateurs use omnidirectional antennas which normally radiate well below the angle of reception of the Observatory antenna which is not capable of looking at the horizon.

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We strongly suggest that reference to Part 97 be removed from the proposed rule making and that the Arecibo Observatory continue to work with Amateur Radio Service organizations in resolving any possible interference problems as in the past. Our long history of cooperation with Cornell has proven that there is no need for further generation of records, rules and paperwork.

*Comments of PRARL, at 2,3.*

These comments succinctly state the lack of utility of the proposed notification provision. The relationship between the Observatory and the PRARL is indeed excellent, and it will continue. The creation of regulations in this environment drives a completely unnecessary wedge in the middle of a perfectly good working relationship without the slightest technical justification. The League strongly urges that the Commission take the advice of the PRARL and delete any and all reference to the Amateur Radio Service in any final rules enacted pursuant to the Notice.

Therefore, the foregoing considered, the American Radio Relay League, Incorporated respectfully requests that the Commission take into account these comments in any final Order in this proceeding,

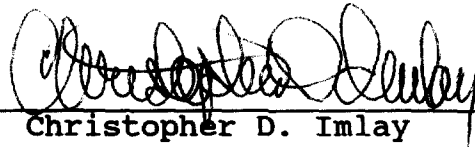
and that the proposed modifications to Part 97 rules governing the Amateur Radio Service not be adopted.

Respectfully submitted,

**THE AMERICAN RADIO RELAY  
LEAGUE, INCORPORATED**

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By

  
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April 1, 1996

CERTIFICATE OF SERVICE

I, Margaret A. Ford, Office Manager of the law firm of Booth, Freret & Imlay, do certify that copies of the foregoing COMMENTS OF THE AMERICAN RADIO RELAY LEAGUE, INCORPORATED were mailed this 1st day of April, 1996, via U. S. Mail, postage prepaid, first class, to the offices of the following:

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